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UNCLAS SECTION 01 OF 08 BOGOTA 003128

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SUBJECT: FRAUD SUMMARY - COLOMBIA

REF: 09 BOGOTA 001215

¶1. This country fraud summary from the Bogota Fraud Prevention Unit (FPU) covers the period from February 2009 to August 2009.

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¶A. Country Conditions  
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¶2. Despite improving security and positive, but slower economic growth in Colombia during 2009, violence and unemployment remain serious "push factors" for legal and illegal migration. 3.1 million internally displaced persons have registered with the GOC since 1995, including more than 281,000 new displacements in 2009. Still, GOC steps to improve the human rights and security situation have showed significant results. The number of displacements declined nearly 12 percent between 2007 and 2008 after increasing in each of the three previous years. GOC statistics indicate that 2009 continued the trend of decreasing violence and increasing stability in Colombia. Kidnappings and acts of terrorism have been cut by approximately 80 percent since 2002. To date, the GOC has extradited 149 criminals and terrorists to the U.S. in 2009, which is in line with the 2008 rate of extraditions.

¶3. In terms of economic conditions, 2008 gross domestic product growth registered at 2.5 percent, down from 7.5 percent growth in ¶2007. Turmoil in the economies of Colombia's two largest trading partners, the United States and Venezuela, has adversely affected the outlook for 2009, with economic growth expected to be between 0 and 1.5 percent. The average unemployment rate rose to 12.6 percent by July 2009, up from 11.2 percent in 2008. The poverty rate decreased to 46 percent in 2008 -- down from 57 percent in ¶2002. Although the monthly minimum wage rose again in 2009, is it still equivalent to only about USD\$250 per month, less than what most workers feel is necessary to meet basic household needs. Despite improving stability and a relatively stable economy, Colombia remained the second largest source country for affirmed asylum claims in the United States in 2008, after the People's Republic of China, as it has been in most recent years.

¶4. "Pull factors" include the presence of large Colombian immigrant communities in Florida, New Jersey, and New York. According to Colombia's Central Bank, Colombians abroad sent an estimated USD 4.8 billion in remittances to Colombia in 2008, -- with 36 percent of that amount originating from the US -- representing 3.3 percent of the country's gross domestic product. However, due to the global economic crisis, remittances have fallen during 2009 and this drop is expected to affect household spending.

15. Colombia continues to be a high-fraud country in terms of both the volume and the sophistication of fraudulent documents submitted by visa and passport applicants. Despite efforts by the Government of Colombia to crack down on large-scale criminal operations, Colombia remains one of the top producers of counterfeit U.S. currency. While some counterfeiting activity has moved to Peru, the criminal rings based in Cali are still generally acknowledged as being the most adept in Colombia.

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1B. NIV Fraud  
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16. Due to the high volume of NIV applicants at Embassy Bogota, the majority of the day-to-day work of the FPU involves the NIV Unit. The volume of NIV fraud is extremely high. Colombians seeking to travel to the United States for business or pleasure continue to believe that their chances of securing a visa are best if they can demonstrate three factors: a legally binding relationship, a professional, highly-paid job, and high bank balances. Even fully

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qualified applicants will frequently present fraudulent bank statements showing inflated balances. In an attempt to create a strong case, fraud perpetrators often present fraudulent marriage and birth certificates, employment letters, bank statements, and tax documents in support of their applications. Applicants also frequently obtain new Colombian passports in an attempt to conceal previous overstays in the United States. Applicants often are not forthcoming about the existence of relatives in the United States.

17. B1/B2 applications remain the overwhelming majority of post's workload, consisting of 90 percent of adjudications in the reporting period. Although Colombia has not been as severely impacted by the global economic crisis as many other countries, the Colombian economy nevertheless contracted and unemployment rose during 2009. However, unlike most other posts worldwide, Bogota has not seen a corresponding decrease in NIV volume. Post's NIV volume is on track to rise by 2.1 percent in FY2009. Over the next reporting period, Post will attempt to look into possible reasons for why volume did not decrease in Colombia as it has in many other countries affected by the worldwide economic recession and whether there are fraud trends involved in this phenomenon.

18. Post's most recent validation study on B1/B2 visas (see reftel) showed that nearly half (44 percent) of the visa holders surveyed in the study did not travel. Post hypothesizes three reasons for the high number of visa-holders who do not travel: having a U.S. visa is an important status symbol in Colombia; Colombian visa applicants believe that reapplying for a visa before the prior visa expires facilitates visa-issuance; and the historical inclination of Colombians to hold a U.S. visa as an alternative to remaining in Colombia in case the political or economic situation deteriorates. The validation study did not show a high overstay rate, in contrast to anecdotal evidence from the visa line and with the high number of Colombians turned around at the POE and deported from the U.S. Post's recent analysis of I-275s received between August 2007 and May 2009 indicates that most of post's issuances which get turned around have misused their visa on a prior trip, either by overstaying a prior admission or violating status, most commonly by working without permission.

¶9. The J visa program continues to be a popular program in Colombia. However, this category has also been affected by the economic downturn in the U.S. Post adjudicated 27.7 percent fewer J1 cases in this reporting period than in the same period in 2008. It is important to note that besides the downturn in the U.S. economy, some Colombian J1 participants were affected by the Aspect Foundation controversy, which may affect the future popularity of J1 programs. To date, FPU has not seen significant fraud in the J1 category.

¶10. Applicants applying as a group continue to be an area of major concern. The ARSO-I currently has 8 pending investigations that involve groups. Groups consist of anywhere from a three-person P-visa band to a group of more than 80 B1/B2 cattle ranchers. Post sees two major patterns: legitimate groups in which either the group itself or the petition will include members who have never been affiliated with the group and are not familiar with the actual purpose of travel, or groups that have been constituted for the explicit purpose of obtaining a visa and contain few, if any, legitimate members. FPU and the interviewing officers ferret out extra members through a variety of methods, including targeted interviews, fraud investigations, and examining past travel history. FPU screens all groups applying at post prior to their appointment and verifies group travel with passport checks, ADIS checks and targeted follow-up interviews, when appropriate. Post has adjusted and strengthened its group procedures and also provided group training to officers, and as a result, more group members that tried to previously apply individually are now completing the group procedure as required.

¶11. Employment-based NIV fraud continues to be a concern, especially for the potential for using these visas for money laundering activities, as a means to simply move to the U.S., or to work in marginal jobs not as intended by the FAM. Fraud in petition-based and E categories most often involves falsifying or exaggerating educational and professional credentials, as well as a few cases where it appears companies have been created solely for

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immigration or money laundering purposes. Though Bogota is not a high volume H, L, & E processing post, due to the concerns of these visa categories being manipulated for nefarious purposes, a high percentage of these cases are referred to FPU for investigation.

¶12. Before the recent change to the 9 FAM 41.58, there was a continued upswing in fraud related to religious visa applications. On several occasions, applications had been submitted for work with denominations that the Consular Section could not confirm as legitimate religious entities, and religious visa applicants often misrepresented their qualifications and ties to the organization. Now that this category is petition-based, post has seen both a decrease in the number of cases and a lower refusal rate: post adjudicated 48 R visa applicants during the reporting period, with a refusal rate of 37.5 percent, compared to 195 applicants and a 58.5 percent refusal rate for the previous reporting period.

¶13. FPU and the NIV Unit continue to encounter "imposter" and improperly presented relationship cases, usually involving minor children. Often they are cases of individuals - whether family members or strangers - posing as "parents" applying for their "child's" NIV. In most cases, the biological parent is living without status in the U.S. and the supposed parent or guardian intends to take the child to the U.S. to be reunited with the biological parent. As the NIV Unit has learned better how to identify these scenarios, FPU has noticed that such cases now tend to include an easily-obtained, genuine legal document purporting to

show that the supposed parent or guardian has either adopted or gained custody of the child. However, the document merely grants limited custodial power. Such authority can be easily transferred by a parent (either from within Colombia or from another country) without losing any normal parental rights. FPU's close working relationship with Colombian Family Welfare Institute (Bienestar de la Familia) has facilitated identifying these improperly presented relationships. Facial recognition software, the grouping function in the NIV program, as well as the verification of birth certificates have limited the number of these cases during the reporting period.

¶14. FPU and the NIV Unit uncovered two apparently unrelated cases of minor children being presented under new, false identities in the reporting period. In each case, the child presented a genuine Colombian passport and birth certificate under the new identity which had been fraudulently obtained. Each child had previously been refused under his presumably true identity. Post's ARSO-I is currently investigating these cases and the individuals who presented themselves as the parents of these children. Close attention to the facial recognition results by the NIV Unit was critical to the detection of these cases. These cases attest to the ease by which genuine Colombian documents can be obtained fraudulently.

¶15. Post saw in the reporting period its first two cases of applicants who have intentionally mutilated their fingerprints. The prints showed exactly the same markings as example photos in the Fraud Digest article on mutilated prints. Thanks to information in CLASS, the FPU was able to determine that one applicant, a male, was attempting to conceal illegal presence and deportation. He claimed he suffered from severe dermatitis. We suspect that the other applicant, a female, was attempting to conceal illegal presence, but were not able to confirm that. She claimed to have cut her hands working as a shrimp-peeler. Post expects to see more such cases in the future and remains on the look-out for fingerprint mutilation.

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¶C. IV Fraud  
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¶16. Spousal and fiancé(e) relationship fraud continues to be the predominant types of fraud encountered by the IV Unit during the reporting period. Fraudulent marital and spousal relationships are

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often arranged by family or friends whose extended families come from the same hometown in Colombia.

¶17. Internet relationships continue to grow in popularity. Marriage brokers use the internet to facilitate the entire immigrant visa process, from frequently asked questions to the documentation one should submit to prove a legitimate romantic relationship. Most of the marriage broker relationships appear to be real for petitioners. However, based on several complaints from jilted petitioners and extensive interviews, the trend continues to be that a number of beneficiaries have pursued these relationships solely to emigrate to the United States. The IV Unit continues to uncover extremely high levels of fraud when couples claimed to have met in internet chat rooms, but also had friends or family in common.

¶18. The IV Unit continues to see fraudulent entry stamps purchased to conceal illegal entries or overstays in the United States. A number of IV applicants in this reporting period attempted to conceal prior arrests, drug trafficking activity, and previous employment as prostitutes.

¶19. The IV Unit processes a limited number of employment-based cases. The majority of these applicants are following-to-join derivative beneficiaries. The IV Unit continues to find limited marriage fraud and a few cases in which "fathers" were not the biological parents of minor children.

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¶D. DV Fraud  
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¶20. Colombians are not eligible as principal applicants for Diversity Visas. The IV Unit did not detect any evidence of fraud in the two Diversity Visa cases it processed during the reporting period.

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¶E. ACS and U.S. Passport Fraud  
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¶21. The ACS Unit and FPU are especially sensitive to fraud in cases involving child applicants for CRBA's and first time passports. In many of these cases, ACS requests DNA tests from the AmCit parent who subsequently never returns. Some of the fraud has been more creative. In one case the mother presented an AmCit dad with a DNA test result later proven to be fraudulent. Post has also seen an increasing number of adult first time claimants who present little more than a U.S. birth certificate. Although some of these eventually were able to prove a valid claim to U.S. citizenship, many of the applicants are never able to explain how they got to Colombia with no passport of any kind, nor how they have lived here all of their lives with no identification. In these cases, the birth certificate is often legitimate, just not credible. For example, in one case a woman claimed to have been born at home in Texas. She left the U.S. for Colombia at age 6 and when she was 12, her uncle went to the local Texas registry and obtained a delayed Texas birth certificate based only on his affidavit. She presented no other proof of US residence. All of the above types of cases are entered into PLOTS as appropriate.

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¶F. Adoption Fraud  
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¶22. Colombia continues to be a popular country from which to adopt children. The process runs smoothly for adoptive parents, as the Colombian adoption process is transparent and straightforward. The Consular Section maintains a good relationship with officials at the Colombian Family Welfare Institute and, as a result, the organization is very familiar with U.S. immigration procedures. To date, the IV Unit has not discovered any adoption fraud on the part

of government officials and/or Colombian adoption agencies.

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G. Use of DNA testing

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¶23. The IV and ACS Units primarily use DNA testing to confirm biological relationships between parents and children. Post had used the panel physicians to collect samples and have had no cause to question their process. No DNA tests have been conducted subsequent to new Department guidance, and the new procedures are being implemented for use in any subsequent DNA testing. Colombia does not have any known special circumstances for DNA testing. The most common type of biological relationship fraud involves a "father" who legitimated a child several months or years after the child was born. Some applicants fail to submit to suggested DNA tests, including a number who subsequently notify the IV Unit that the parent and child did not have a biological relationship. Both the IV and ACS Units views DNA testing as an extremely useful fraud deterrent, especially in light of concerns about birth certificates.

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H. Asylum and Other DHS Benefit Fraud

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¶24. The IV Unit carefully screens derivative spouse asylee cases for indicators of marriage fraud due to differing U.S. and Colombian definitions of the term "spouse" for immigration purposes. For example, U.S. immigration law does not recognize Colombian common-law marriages, or the "separation of bodies and effects" as a basis for divorce. In addition, under U.S. law, marriages by proxy are invalid for immigration purposes if the asylee petitioner has not returned to Colombia to consummate the marriage.

¶25. During previous reporting periods, the IV Unit discovered large numbers of following-to-join derivative spouses of asylees were presenting fraudulent marriage certificates in connection with their applications. As a result, FPU now confirms 100% of these marriage certificates.

¶26. The IV Unit processed about 160 requests for transportation letters for lost or stolen lawful permanent resident (LPR) cards during the reporting period, an increase of nearly 60 percent over the last reporting period. Many of the applicants had criminal histories and/or questionable claims to U.S. residency. The IV Unit also strongly suspects that some applicants who reported the theft of their LPR cards after a several-week delay had in fact sold their LPR cards.

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I. Alien Smuggling, Trafficking, Organized Crime, Terrorist Travel

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¶27. Colombia is the source of the majority of cocaine and heroin



entering the United States. The Department of State has designated three Colombian illegally armed groups - two of which are heavily involved in the drug trade - as international terrorist organizations. A full-time "2C/3B" consular officer working out of FPU is the primary investigator on all cases involving narco-trafficking, money laundering, and/or terrorism. As a result of many Colombians being involved for many years in narco-trafficking and money laundering, and the long history of political violence in Colombia, post sees an extraordinarily high volume of cases with 2C and/or 3B ineligibilities. The 2C/3B officer also ensures consular records reflect the status of cases involving extradition (revocations, lookouts, etc.), as well as cases involving high level politicians being investigated and often tried for their ties to paramilitary groups. The 2C/3B officer works closely with U.S. and Colombian law enforcement, intelligence agencies, the political section and Department of Treasury officials, and coordinates post's monthly Visas Viper Committee.

128. Colombia is primarily a source for illegal travel, yet the country's multi-ethnic character and its proximity to other countries used as transit points to the United States and Canada make it an appealing alternative routing for smuggled and trafficked persons. While mala fide travelers from neighboring countries, e.g., Brazil, Ecuador, and Peru, continue to use Colombia as a transit point for flights to the United States, their numbers appear to have diminished. This is likely due to increased document scrutiny at their departure airports and at Bogota's El Dorado airport. Other visa-issuing missions in Bogota, especially the Canadian and Mexican missions, report an increase in applicants from Africa, China and the Indian subcontinent who cannot explain credibly why they are in Bogota or how they arrived in Colombia. Post has not yet seen an increase in third-country national (TCN) applicants, but vigilantly monitors TCN numbers for changes and trends.

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 1J. DS Criminal Fraud Investigations  
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129. FPU refers cases that appear to involve organized fraud to the Assistant Regional Security Investigator (ARSO-I), who determines if and when or where a criminal element is present or if the case merits further investigation. The ARSO-I program maintains a robust investigative capability. Critical to the program's historical success is the joint DS-ICE vetted Colombian law enforcement team. This vetted team consists of investigators from the Administrative Security Department (DAS). The GOC recently announced that the DAS will be dissolved and all of its investigative authorities will be transferred to various agencies within the Colombian National Police (CNP). The dissolution of DAS is due to its involvement in illegal domestic espionage of Colombian political and business leaders, as well as critics of the GOC.

130. The ARSO-I program has fifteen investigations pending with the vetted unit (four of the fifteen are joint DS/ICE investigations). Post is pushing for a quick closure of these cases and/or immediate transfer to the appropriate CNP agency. The CNP is assessing which agency to assign investigations of document fraud and human smuggling. Once a decision is made, Post will begin to re-establish the investigative unit.

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## K. Host Country Passport, Identity Documents, and Civil Registry

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¶31. Colombian documents are relatively easy to falsify or obtain legitimately, especially marriage certificates, birth certificates, and bank statements. Birth certificates present especially difficult cases as a genuine birth certificate can be obtained for a child at any point in the child's life if a "parent" presents the

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child as his or her own with the testimony of two witnesses. This is a completely legal means of obtaining a birth certificate, but highly vulnerable to abuse. FPU is vigilant to fraud indicators such as home births, delayed registration of the birth and registration with witnesses, rather than medical documentation. Corrupt notary officials - some in coordination with criminal fraud rings - have also been known to accept payment to issue authentic marriage and birth certificates using fake personal data. Falsely obtained birth certificates can then be used as a base document to obtain genuine passports and national IDs.

¶32. The GOC has made efforts recently to incorporate anti-fraud security features in newly issued documents, e.g., the national identity card ("cedula") and to remove from circulation the earlier, more easily falsifiable versions.

¶33. The Colombian passport is still a laminate document that is not secure - and the previous lack of a central tracking database meant that new passports were easily obtained, for any reason. According to the Coordinator of the Passport Office at the Colombian MFA, the MFA expects to have a sample of the new Colombian passport in January 2010 and to introduce it on or before April 1, 2010. However, they have not put the project out for bid yet. Each of their passport issuing offices is gradually gaining access to a central database whereby the issuances of passports can be tracked. With these new developments, the Colombian passport should be a more secure document that is more strictly controlled, though older passports will remain valid until they expire.

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## L. Cooperation with Host Government Authorities

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¶34. Colombian authorities view visa fraud as a serious matter and cooperate fully with mission efforts to investigate and prosecute human smugglers, traffickers and fraud rings. For example, persons caught attempting to smuggle a child out of the country face a five-year jail sentence; the penalties for document falsification that leads to alien trafficking can include jail terms and asset forfeiture.

¶35. FPU maintains close working relations with many GOC entities, including the MFA (for Colombian passport issues), the National Police's investigatory and intelligence offices (DIJIN and DIPOL, respectively) for criminal records and intelligence reports, the Administrative Security Department's (DAS) Migratory Affairs Office for airport entry/exit reports, and the National Prisons Institute (INPEC) for prison records, as well as government notaries.



¶36. In addition, FPU works hand-in-hand with the Colombian private sector, and with contacts in various banks, companies, universities and churches. This allows the investigators and officers to conduct checks and request information from these entities, with timely responses, and a general willingness to assist in our efforts.

¶37. As part of efforts to prevent mala fide travelers from boarding flights to the United States, FPU works closely with airport and security personnel. The FPU and ARSO-I provide anti-fraud training to airport personnel at all airports with international flights, conducting several training sessions during the reporting period.

FPU does not currently have the funding to travel to all airports that request training, though authorities are pro-actively requesting more and more training, both in the areas of passport and visa fraud, but also in areas such as detecting counterfeit money.

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¶M. Areas of Particular Concern  
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¶38. According to the "Cases Referred to FPU" report in the CCD, during the report period, FPU conducted 952 fraud investigations in NIV and IV cases, with fraud confirmed in 59 of the cases. Beginning with the previous reporting period, FPU requires that all cases be referred to FPU before any type of investigation or inquiry is initiated.

¶39. FPU staff has an excellent working relationship with consular officers from other diplomatic missions, in particular the Canadian and UK embassies, with whom we regularly share information about fraud trends and practices in Bogota. FPU has worked in close coordination with the UK, Canadian, and Schengen embassies to hold quarterly fraud meetings to discuss trends and share relevant information.

¶40. FPU is maintaining the license for the i2 Analyst Notebook software program that allows for charting and analyzing sophisticated fraud schemes, utilizing data from the nonimmigrant visa applicant database. Two FPU employees received training on the software during the reporting period.

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¶N. Staffing and training  
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¶41. Embassy Bogota's FPU consists of one full-time Fraud Prevention Manager, one full-time entry-level officer deputy who rotates through the Unit every four months, a one full-time entry-level 2C/3B officer who rotates through the Unit every six months, the ARSO-I, one Eligible Family Member investigator, three Locally Employed Staff investigators, one of whom works for the ARSO-I and an LES administrative assistant.

¶42. In addition to conducting investigations on individually referred cases from the ACS, IV and NIV Units, FPU also vets all new journalists traveling to the United States; registers and houses a database of C1/D companies; works closely with the NIV Unit to vet groups traveling to the United States on both their departure and return; enters all lost and stolen passports into the system; and answers diplomatic notes, "oficios" and correspondence. FPU also assists U.S. agencies at Post with law enforcement-related information inquiries, in particular, the Drug Enforcement Administration and the Department of Treasury's Office of Foreign Assets Control, and regularly responds to Colombian law enforcement authorities' requests for information, providing information as allowed under Department regulations.

¶43. Fraud Prevention Manager - Deborah Robinson. Completed PC-541, Fraud Prevention for Consular Managers in Washington, June 2008, and attended i2 training in April. Fraud Prevention Unit Deputy - Adelle Gillen. Adelle rotates back to the NIV Unit in October. Completed PC-541, Fraud Prevention for Consular Managers in February 2007. 2C/3B officer - Laura Hochla, as of September 1. She has not completed any fraud or 2C/3B specific training. Eligible Family Member investigator - Antonio Campillo Hernandez. Antonio began work in FPU during the reporting period and has taken no fraud-specific training. Locally Employed Staff investigators - Sandra Fonseca and Maria Gomez. Maria completed the Fraud Prevention Workshop for FSNs in 2000, and Sandra in 2002. Sandra attended the LES Fraud Prevention Workshop in March 2009, and attended i2 training in June 2009. ARSO-I - William Ferrari. Has not completed any fraud specific training. ARSO-I Locally Employed Staff investigator - Eduardo Caro. Will receive RSO fraud training in the U.S. in September.

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